



# City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning & Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2307577

**Applicant Name:** Julie LeDoux

**Site Address:** 4412 Burke Av N

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel of land into four unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses is being reviewed under Project #2304005.

The following Master Use Permit component is required:

**Short Subdivision** - To create four unit lots.  
(Seattle Municipal Code Chapter 23.24)

**SEPA DETERMINATION**

☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction

## **BACKGROUND INFORMATION**

### **Site Description**

The proposal site is approximately 4,795 square feet and is located in the Wallingford neighborhood along Burke Av N between N 44<sup>th</sup> St and N 45<sup>th</sup> St. Burke Av N is a two lane street with curbs, gutters, and sidewalks. There is currently a single family residence on the site with no on site parking. The site has an approximately 6'0" high bank at the street lot line and has a gradual slope for the remainder of the lot. The subject property is zoned L2 (Lowrise 2), is located within the Wallingford Residential Urban Village, and is not designated as an environmentally critical area.

### **Area Development**

Development in the immediate vicinity is a mix of residential and commercial uses. To the north and west of the subject property, the zoning is NC2-40' and is developed with predominately commercial businesses with Wallingford Center across Burke Av N; however, a few single family residences remain. Zoning to the south and east is L2 with a mix of multifamily and single family residences. South of N 44<sup>th</sup> St, the zoning is SF5000 and developed with predominately single family residences.

### **Proposal Description**

The applicant proposes to short plat one lot into four unit lots. Proposed unit lots sizes are: Unit Lot A) 1,251.9 sq. ft., Unit Lot B) 1,007.6 sq. ft., Unit Lot C) 1,265.7 sq. ft.; and Unit Lot D) 1,269.4 sq. ft. Project #2304005 to demolish the existing single family residence and construct (2), two-unit townhouses with attached garages is currently under review for consistency with the applicable provisions of the Seattle Municipal Code. Vehicular access to the four unit lots is proposed via an ingress, egress, and utility easement running from Burke Av N along the north side of the parent lot to a common auto courtyard between the structures. Pedestrian access will be via a 3'0" pedestrian easement running along the south property line from the auto court to Burke Av N. This analysis and decision is only the proposed division of land and not for the construction of the townhouses.

### **Public Comments**

The public comment period for the proposed project ended on December 10, 2003 and was extended through a written request until December 24, 2003. Seven (7) comment letters and two (2) comments by phone were received. Issues raised by neighbors were related to lack of parking availability on site and in the right-of-way, increased traffic, lack of compatibility with single family character and craftsman style of the existing buildings, and concern regarding the impact excavation of subject site will have on adjacent properties. All expressed concerns related to the construction of townhouses, not the unit subdivision which is the subject of this analysis and decision.

## **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD), review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light, and review by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions;*

The existing parent lot conforms to all development standards of the L2 zone. The parent lot configuration provides adequate buildable area to meet the applicable density, lot coverage, and setback requirements and other development standards of the Land Use Code. The individual unit lots in this proposal conform to the standards for unit lot subdivisions (SMC 23.24.045). Any new development must conform to the code requirements applicable at the time of application.

2. *Adequacy of access for vehicles, utilities, and fire protection as provided in Section 23.53.005;*

Vehicular access to each of the unit lots will be provided via a proposed ingress, egress and utility easement from Burke Av N, running along the north side of the property for a distance of approximately 56.30' then turning south for a distance of 40'0". Pedestrian access to the unit lots will be provided via a pedestrian access and utility easement along the south 3'0" of the west 45.68" of lot 9. An agreement will be provided on the face of the plat in order to ensure the areas of joint use (common walls, roof, easements) are adequately maintained by all property owners.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

Seattle City Light has reviewed the proposal and is requiring an overhead/underground easement to provide electrical service to the proposed lots. The easement will be included as a condition on the face of the plat.

3. *Adequacy of water supply, sanitary sewage disposal, and drainage;*

The area is served by domestic water, sanitary sewer, and storm drain facilities by the City of Seattle, and availability of service is assured subject to standard conditions of utility extension.

**Water:** The short plat application was reviewed and approved by Seattle Public Utilities on December 8, 2003 subject to conditions listed on the Water Availability Certificate #2003-1322. An easement a minimum of 5'0" wide allowing underground water service from Burke Av N to the back lots C and D is required.

**Sanitary Sewer and Drainage:** A single side sewer connects the subject property to an 8-inch public combined sewer in Burke Av N. Storm water will also be discharged into the same combined sewer. Detention with controlled release will be required. The proposal includes sufficient easements for this purpose.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed unit lot subdivision is consistent with all relevant L2 (Lowrise 2) zoning requirements and meets the minimum provisions of the Seattle Land Use Code. Address signage shall be posted such that addresses for all units are visible from Burke Av N, in accordance with the *1997 Seattle Building Code Section 502.1*. An easement or covenant shall be recorded with the final plat to ensure the address signage is maintained. The proposed development has adequate access for vehicles, utilities and fire protection and has adequate drainage, water supply and sanitary sewage disposal. The proposal meets all applicable criteria for approval as discussed in this analysis and decision. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood.

5. *Conformance to the applicable provisions of Seattle Municipal Code Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The subject property is not located in an environmentally critical area.

6. *Is designed to maximize the retention of existing trees;*

Development of the subject site is currently being reviewed under Project #2304005. None of the existing trees are proposed to be retained. A mix of Douglas Fir and Atlas Cedar will be planted at the rear and front of the parent lot.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Section 23.24.054 of the Seattle Municipal Code provides that in order to unit subdivide, a development as a whole shall meet all the development standards of the zone that are applicable at the time the permit application vested. Through the unit subdivision, nonconformities may be created to development standards except that private, usable open space for each dwelling unit shall be provided on the individual unit lot. Parking for each dwelling unit is required; however it may be provided within the boundaries of the larger parent lot, rather than on the individual unit lot. The following statement will be required on the final short subdivision to place future property owners on notice that future development may be limited due to the nonconformities: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development

standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

### **CONDITIONS – SHORT SUBDIVISION**

#### **Prior to Recording**

The owner(s) and/or responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. The Seattle City Light easement described in the Seattle City Light memorandum dated April 1, 2003 and “Exhibit A to City of Seattle Short Subdivision shall be included on the final plat prior to recording.
3. Insert the following on the face of the plat: “The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”
4. Provide an easement or covenant with the final plat to ensure that address signage for each unit lot is provided and maintained in a location visible from Burke Av N.
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.
6. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are upon a separate page, insert on the face of the plat: “For conditions of approval after recording, see page \_\_\_\_\_ of \_\_\_\_\_.”

#### **After Recording and Prior to Issuance of any future Building Permit**

The owner(s) and/or responsible party(s) shall:

7. Attach a copy of the recorded short plat to all building permit sets of plans.

Signature: (signature on file) Date: November 11, 2004  
Cheryl Mosteller, Senior Land Use Planner

CPM:rgc  
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